



City of Annapolis

Department of Planning & Zoning
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Board of Appeals

January 7, 2014

The Board of Appeals of the City of Annapolis held its regularly scheduled meeting on January 7, 2014 in the City Council Chambers. **Chair** Zazzali called the meeting to order at 7:11pm.

Members Present: **Chair** Zazzali, **Vice Chair** Elkington, Meyers, Gallagher, Reyes Garcia

Staff Present: Smith, Scott, Gudenius

The Board presented a plaque to recognize the service of Sandy Latham. **Chair** Zazzali noted that Ms. Latham served on the Board for four years and the Board wanted to thank Ms. Latham for her service to the resident of the City of Annapolis.

A. APPROVAL OF MEETING MINUTES

1. July 2, 2013, November 5, and December 3, 2013 Meeting Minutes

Vice Chair Elkington moved approval of the July 2, November 5 and December 3, 2013 meeting minutes as written. Ms. Reyes Garcia seconded the motion. The motion passed unanimously in a vote 5-0.

B. SIGNING OF OPINIONS

1. Candamil Variance, VAR 2013-012

Mr. Meyers moved approval of the variance opinion as written. **Vice Chair** Elkington seconded the motion. The motion passed unanimously in a vote of 5-0.

2. Brock Variance #VAR2013-015

Vice Chair Elkington moved approval of the variance opinion as written. Mr. Meyers seconded the motion. The motion passed unanimously in a vote of 5-0.

C. NEW BUSINESS

1. Election of Officers

Mr. Gallagher nominated **Chair** Zazzali to remain as Chair of the Board of Appeals. Ms. Reyes Garcia seconded the motion. The motion passed unanimously in a vote of 5-0.

Mr. Gallagher nominated **Vice Chair** Elkington to remain as Vice Chair of the Board of Appeals. Ms. Reyes Garcia seconded the motion. The motion passed unanimously in a vote 5-0.

D. PUBLIC HEARING AND DELIBERATIONS

1. Catlin and Walker Variance Request, #VAR2013-016

Mr. Scott described the variance request to reduce the minimum lot size and rear yard setback requirements on property located at 220 Chesapeake Avenue to allow the subdivision of the property. He recommended approval of the application because the seven standards for approving a variance have been met. He also received a packet of letters of support on the application.

Mr. Jackson, Representative for the Walker Family, read a prepared statement and addressed each of the seven criteria required for granting a variance. Ms. Trina Walker-Milling responded to a request

from the Board regarding justification for the hardship criteria. Mr. Jackson added that the hardship is due to the rectangular shape of the property.

Public testimony opened at 7:49pm and those speaking on the application are listed below.

| Name | Address | In Favor | In Opposition | Commented On |
|----------------------------|-----------------------|----------|---------------|--------------|
| Alderwoman Pindell Charles | Ward 3 | X | | |
| Ben Kaminkor | 203 Chesapeake Avenue | | | X |
| C. Chris Ledoux | 215 Severn Avenue | | X | |
| Marcellus Butler | 409 Chester Avenue | X | | |
| Eric Pilka | 18 Eastern Avenue | | X | |
| Leo Wilson | 109 Chesapeake Avenue | | | X |

No one else from the public spoke in favor or opposition to the application so **Chair** Zazzali declared the public hearing closed at 8:33pm.

Chair Zazzali accepted the following exhibits into the record.

| Exhibit Number | Board of Appeals Exhibit Type |
|----------------|---|
| 1 | Staff Memorandum dated December 23, 2013 with attachments |
| 2 | Packet of Correspondence from the public: <ul style="list-style-type: none"> • Pilka email dated 1/1/14 • Pilka letter dated 12/26/13 • Jackson email responses to Pilka letter of 12/26/13 dated 1/3/14 • Curto email dated 1/3/14 • Walkling letter dated 1/2/14 • Padden email dated 1/6/14 • Zarchin dated 1/6/14, • Matthews email dated 1/6/14 • Miller email dated 1/7/14 • Averill email dated 1/7/14 |
| 3 | C. Ledoux testimony dated 1/7/14 SDAT Real Property Search dated 1/2/14 |
| 4 | Rhonda Pindell Charles letter dated 1/7/14 |

The Board recessed at 8:45pm and reconvened at 8:51pm.

2. McShane Waldron Glover Appeal, APL2013-005

This agenda item was postponed to the Board's March 4, 2014.

3. Spa Creek LLC Variance Request, #VAR2013-011

Ms. Gudenius presented the variance request for a reduced front yard setback and allowance to build in the critical area buffer for the construction of a single-family house on the property. She recommends approval of the application because the seven standards for granting a variance have been met.

Mr. Terry Shuman, Engineer, restated the variances that are being requested and addressed how the application meets the seven standards for granting a variance. He concluded that the applicant urges the Board to approve the variances as requested.

Public testimony opened at 9:13pm and those speaking on the application are listed below.

| Name | Address | In Favor | In Opposition | Commented On |
|---------------|---------------|----------|---------------|--------------|
| Ricky Oakland | 138 Spa Drive | X | | |

No one else from the public spoke in favor or opposition to the application so **Chair** Zazzali declared the public testimony closed at 9:19pm.

Chair Zazzali accepted the following exhibits into the record.

| Exhibit Number | Board of Appeals Exhibit Type |
|----------------|---|
| 1 | Staff Memorandum dated December 31, 2013 with attachments |

Deliberations

1. Catlin and Walker Variance, #VAR2013-016

Mr. Meyers moved to approve the variance as requested. Mr. Gallagher seconded the motion. The motion passed unanimously in a vote of 3-2 (Zazzali and Elkington dissented).

2. Spa Creek LLC, VAR2013-011

Mr. Meyers moved approval of the variance request as presented. **Vice Chair** Elkington seconded the motion. The motion passed unanimously in a vote of 5-0.

D. ADJOURNMENT

With there being no further business, Ms. Reyes Garcia moved to adjourn the meeting at 9:59pm. Mr. Meyers seconded the motion. The motion passed unanimously in a vote of 5-0.

Tami Hook, Recorder